

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NIGEL FREDRICKS,

Plaintiff,

-against-

CORRECTION OFFICER JOHN DOE, et al.,

Defendants.

1:20-CV-5792 (CM)

ORDER OF DISMISSAL

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff, currently held in the George R. Vierno Center on Rikers Island, bring the present action *pro se* alleging that the defendants violated his federal constitutional rights. For the following reasons, the Court dismisses the present action without prejudice.

On the same date that the Court received Plaintiff's original complaint for the present action, the Court received Plaintiff's amended complaint for his previously filed action, *Fredricks v. Corr. Officer John Doe*, 1:20-CV-5738, which is pending. Plaintiff's original complaint in the present action is identical to his amended complaint in *Fredricks*, 1:20-CV-5738. Because the original complaint in the present action raises the same claims as those raised in the amended complaint in *Fredricks*, 1:20-CV-5738, no useful purpose would be served by the litigation of the present duplicative action. The Court therefore dismisses the present action without prejudice to Plaintiff's litigation in *Fredricks*, 1:20-CV-5738.

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. The Court dismisses the present action without prejudice as duplicative.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: August 3, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is written over a horizontal line.

COLLEEN McMAHON
Chief United States District Judge